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08/480472

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 213/066
Anticipated Class 536

The Commissioner of Patents and Trademarks
Washington, DC 20231

#2/A
10-6-95
D. Stone

This is a request for filing a

☐ Continuation

☒ Divisional

application under 37 CFR § 1.60, of pending prior application Serial No. 08/345,861, filed November 28, 1994, of Sherrol H. McDonough, Daniel L. Kacian, Nanibhushan Dattagupta, Diane L. McAllister, Philip W. Hammond and Thomas B. Ryder for NUCLEIC ACID SEQUENCE AMPLIFICATION.

1. ☒ Enclosed is a true copy of the prior U.S. Application Serial Number 07/925,405 filed August 4, 1992. U.S. application Serial No. 08/345,861, filed November 28, 1994, is a file wrapper continuation of U.S. Serial No. 07/925,450.

2. ☒ The filing fee is calculated below:

PRIOR CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW

For	Number Filed	Less	Rate	Basic Fee
Total Claims Presented	26	(-20)	<u>6</u> x \$22.00	\$ 132.00
Independent Claims Presented	6	(-3)	<u>3</u> x \$76.00	228.00
Multiple Dependent Claims Presented			+ \$.00	0.00
Basic Fee (\$730.00)				730.00
TOTAL FILING FEE				<u>\$ 1,090.00</u>

"Express Mail" mailing label number TB65345492US

Date of Deposit June 6, 1995

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Donna Lee Stone
(Typed or printed name of person mailing paper or fee)

Donna Lee Stone
(Signature of person mailing paper or fee)

3. ☒ The Commissioner is hereby authorized to charge all filing fees under 37 CFR § 1.16 and § 1.17 associated with this communication which may be required or credit any overpayment to Deposit Account No. 12-2475. A **triplicate copy** of this sheet is **enclosed**.

4. ☐ A verified statement that this filing is by a small entity
☐ is **attached**
☐ has been filed in the parent application and such status is still proper and desired (37 CFR 1.28(a))

Filing fee calculation (50% of above) \$ _____

5. ☒ A check in the amount of \$ 1,090.00 is **enclosed**.

6. ☒ Cancel claims 1-23, 43-47 52 and 53.

7. ☒ Amend the specification by deleting the first sentence on Page 1 reading "This application is a continuation-in-part of Kacian et al., U.S. Serial Nos.: 07/855,732, filed March 19, 1992, 07/550,837, filed July 10, 1990, and 07/379,501, filed July 11, 1989, all hereby incorporated by reference herein." and inserting before the first line the sentence: This is a divisional of McDonough et al., U.S. Serial No. 08/345,861, filed November 28, 1994, (hereby incorporated by reference herein in its entirety including the drawings), which is a continuation of McDonough et al., U.S. Serial No. 07/925,405, filed August 4, 1992, abandoned, which is a continuation-in-part of Kacian et al., U.S. Serial Nos.: 07/855,732, filed March 19, 1992, 07/550,837, filed July 10, 1990, and 07/379,501, filed July 11, 1989, abandoned, all hereby incorporated by reference herein.

8. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is **enclosed** for filing in the prior application file.

9. ☐ New formal drawings are **enclosed**.

10. ☒ The prior application is assigned to GEN-PROBE INCORPORATED.

11. ☒ The power of attorney in the prior application is to: LYON & LYON, 633 West Fifth Street, Suite 4700, Los Angeles, California 90017

- a. ☐ The power appears in the original papers in the prior application.
b. ☒ As the power does not appear in the original papers, a copy of the power in the prior application is **enclosed**.
c. ☐ A new power of attorney has been executed to _____.
d. ☒ Kindly recognize as associate attorney: Roland N. Smoot, Reg. No. 18,718; Conrad R. Solum, Jr. Reg. No. 20,467; James W. Geriak, Reg. No. 20,233; Robert M. Taylor, Jr., Reg. No. 19,848; Samuel B. Stone, Reg. No. 19,297; Douglas E. Olson, Reg. No. 22,798; Robert E. Lyon, Reg. No. 24,171; Robert C. Weiss, Reg. No. 24,939; William E. Thomson, Jr., Reg. No. 29,719; Richard E. Lyon, Jr., Reg. No. 26,300; John D. McConaghy, Reg. No. 26,773; William C. Steffin, Reg. No. 26,811; Coe A. Bloomberg, Reg. No. 26,605; J. Donald McCarthy, Reg. No. 25,119; John M. Benassi, Reg. No. 27,483; James H. Shalek, Reg. No. 29,749; Allan W. Jansen, Reg. No. 29,035; Robert W. Dickerson, Reg. No. 29,914; Roy L. Anderson, Reg. No. 30,240; David B. Murphy, Reg. No. 31,125; James C. Brooks, Reg. No. 29,898; Jeffrey M. Olson, Reg. No. 30,790; Steven D. Hemminger, Reg. No. 30,755; Jerrold B. Reilly, Reg. No. 32,293; Paul H. Meier, Reg. No. 32,274; John A. Rafter, Jr., Reg. No. 31,653; Kenneth H. Ohriner, Reg. No. 31,646; Mary S. Consalvi, Reg. No. 32,212; Bradford J. Duft, Reg. No. 32,219; Suzanne L. Biggs, Reg. No. 30,158; Steven M. Weiss, Reg. No. 37,534; Matthew W. Knight, Reg. No. 36,846; F.T. Alexandra Mahaney, Reg. No. 37,668; Sheldon O. Heber, Reg. No. 38,179; Jeffrey W. Guise, Reg. No. 34,613; Charles S. Berkman, Reg. No. 38,077; Anthong C. Chen, Reg. No. 38,673; of LYON & LYON, 611 West Sixth Street, Los Angeles, California 90017, telephone (619) 552-8400.

12. ☒ A preliminary amendment is **enclosed**.

13. ☒ I hereby verify that the attached papers are a true copy of prior U.S. Application Serial Number 07/925,405, filed August 4, 1992, and a true copy of the file wrapper continuation papers for 08/345,861, filed November 28, 1994.

3. ☒ The Commissioner is hereby authorized to charge all filing fees under 37 CFR § 1.16 and § 1.17 associated with this communication which may be required or credit any overpayment to Deposit Account No. 12-2475. A triplicate copy of this sheet is enclosed.

4. ☐ A verified statement that this filing is by a small entity
☐ is attached
☐ has been filed in the parent application and such status is still proper and desired (37 CFR 1.28(a))

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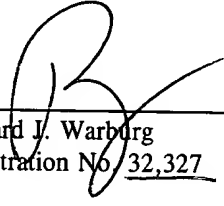
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14. ☐ An Information Disclosure Statement is enclosed. All art referred to therein is present in the parent application _____.
15. ☐ Please delete _____ as named inventor(s), due to cancellation of claims. The enclosed application should list _____ as named inventor(s).
16. ☒ Address all correspondence to: Richard J. Warburg, Esq., at LYON & LYON, 633 West Fifth Street, Suite 4700,
Los Angeles, California, 90071.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

6/6/95

Date


Richard J. Warburg
Registration No. 32,327 ①